

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 21159 Permit 14457 License 10305

**ORDER CORRECTING PREVIOUS ORDER  
DATED FEBRUARY 28, 1994**

**WHEREAS:**

1. License 10305 was issued to Fee Ranch, Incorporated, Philip H. Peterson and Margaret H. Peterson and was recorded with the County Recorder of Modoc County on June 8, 1974 in File 1602, Book 228, Page 679.
  2. License 10305 was subsequently assigned to R. Russ Peterson, Trustee of Peterson Trust B and Fee Ranch, Incorporated (previous order dated February 28, 1994 inadvertently omitted Fee Ranch, Incorporated as an owner of License 10305).
  3. A petition for change in place of use has been filed with the State Water Resources Control Board (SWRCB) and said SWRCB has determined that good cause for such change has been shown.
  4. The SWRCB has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
  5. License condition pertaining to the continuing authority of the SWRCB should be updated to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).
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**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The place of use under this license shall be increased from 1,957.8 acres to 1,987.8 acres as follows:

30.0 acres, within Section 12, T46N, R16E, MDB&M  
335.7 acres, within Section 13, T46N, R16E, MDB&M  
544.2 acres, within Section 14, T46N, R16E, MDB&M  
428.2 acres, within Section 22, T46N, R16E, MDB&M  
458.4 acres, within Section 23, T46N, R16E, MDB&M  
140.0 acres, within Section 24, T46N, R16E, MDB&M  
51.3 acres, within Section 27, T46N, R16E, MDB&M  
1,987.8 acres total

2. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

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The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: AUGUST 31 1994

  
Edward C. Anton, Chief  
Division of Water Rights

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 21159 PERMIT 14457 LICENSE 10305

ORDER ALLOWING CHANGE IN PLACE OF USE  
AND AMENDING THE LICENSE

**WHEREAS:**

1. License 10305 was issued to Fee Ranch, Incorporated, Philip H. Peterson and Margaret H. Peterson and was recorded with the County Recorder of Modoc County on June 8, 1974 in File 1602, Book 228, Page 679.
2. License 10305 was subsequently assigned to R. Russ Peterson, Trustee of Peterson Trust B.
3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. License condition pertaining to the continuing authority of the Board should be updated to conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The place of use under this license shall be increased from 1,957.8 acres to 1,987.8 acres as follows:

30.0 acres, within Section 12, T46N, R16E, MDB&M  
335.7 acres, within Section 13, T46N, R16E, MDB&M  
544.2 acres, within Section 14, T46N, R16E, MDB&M  
428.2 acres, within Section 22, T46N, R16E, MDB&M  
458.4 acres, within Section 23, T46N, R16E, MDB&M  
140.0 acres, within Section 24, T46N, R16E, MDB&M  
51.3 acres, within Section 27, T46N, R16E, MDB&M  
1,987.8 acres total

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2. The continuing authority in License 10305 be amended to read as follows:

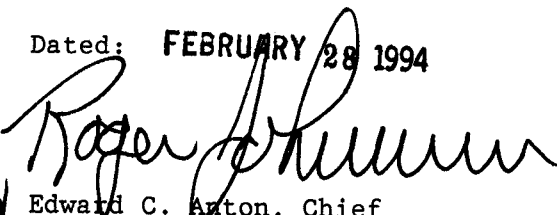
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: FEBRUARY 28 1994

  
for Edward C. Anton, Chief  
Division of Water Rights

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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 21159

PERMIT 14457

LICENSE 10305

**THIS IS TO CERTIFY, That**

FEE RANCH, INCORPORATED; PHILIP H. PETERSON AND  
MARGARET H. PETERSON  
BOX 67, FORT BIDWELL, CALIFORNIA 96112

HAVE made proof as of AUGUST 10, 1971 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
ROCK CREEK (POISON SPRING CANYON) IN MODOC COUNTY  
tributary to UPPER ALKALI LAKE (A CLOSED BASIN)

for the purpose of IRRIGATION, RECREATIONAL AND STOCKWATERING USES  
under Permit 14457 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from FEBRUARY 13, 1963 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed THREE THOUSAND TWENTY (3,020) ACRE-FEET PER ANNUM TO BE  
COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR. THE  
MAXIMUM AMOUNT HELD IN THE RESERVOIR AT ANY ONE TIME SHALL BE 7,120 ACRE-FEET  
UNDER ALL EXISTING RIGHTS.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 75° 30' EAST 2,400 FEET FROM NW CORNER OF SECTION 33, T46N,  
R17E, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 33.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

STOCKWATERING AND RECREATIONAL USES AT RESERVOIR AND IRRIGATION AS FOLLOWS:

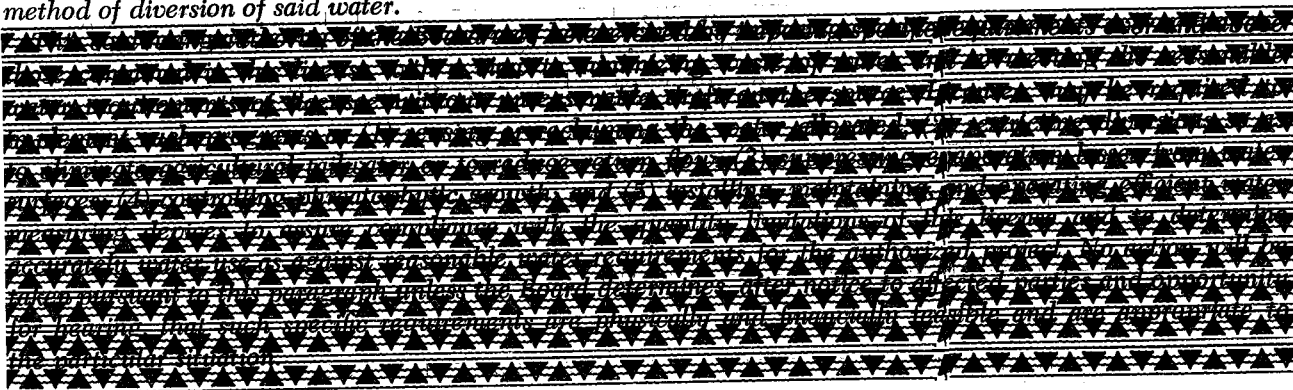
428.2 ACRES WITHIN SECTION 22, T46N, R16E, MDB&M  
458.4 ACRES WITHIN SECTION 23, T46N, R16E, MDB&M  
140.0 ACRES WITHIN SECTION 24, T46N, R16E, MDB&M  
51.3 ACRES WITHIN SECTION 27, T46N, R16E, MDB&M  
335.7 ACRES WITHIN SECTION 13, T46N, R16E, MDB&M  
304.2 ACRES WITHIN SECTION 14, T46N, R16E, MDB&M  
240.0 ACRES WITHIN SECTION 14, T46N, R16E, MDB&M

1,957.8 ACRES TOTAL

10-3-90 asgt & R. Ross Petersen, Intake of Licensee's Info

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.



Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 17 1974

STATE WATER RESOURCES CONTROL BOARD

*R. L. Rosenberger*  
Chief, Division of Water Rights

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